

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 22593 of 1994

Between:

S. Bhagyamma, W/o. Late Kanakaiah,
R/o, Srirampur Colony, Manchiryal Mandal,
Adilabad District.

..... PETITIONER

AND

The General Manager, Singareni Collieries Co. Ltd.,
Srirampur, Adilabad District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction, particularly one in the nature of Writ of Mandamus directing the respondent to provide employment to the petitioner in terms of para 9(4), (1) and (2) of the National Coal Wage Agreement-IV issued by the Joint Bi-partite committee for the Coal Industry.

Counsel for the Petitioner:MR.J.SIDDAIAH

Counsel for the Respondent : MR.K.SRINIVASAMURTHY

The Court made the following :

ORDER:

This Writ Petition is filed seeking Writ of Mandamus to direct the respondent-Singareni Collieries Company Limited to provide employment to the petitioner in terms of Paragraph 9(4)(1) and (2) of the National Coal Wage Agreement-IV issued by the Joint Bi-partite Committee for the Coal Industry.

2. It is the case of the petitioner that her husband was working in Singareni Collieries Company Limited. While so, he died on 28.10.1993. Therefore, the petitioner made an application to consider her case for compassionate appointment in the respondent's Collieries. The said application was rejected on the ground that no employment could be given to females, in view of the fact that their employment is prohibited under the Mines Act. Therefore, feeling aggrieved by the action of the respondent in not providing the compassionate appointment to the petitioner, the present Writ Petition is filed.

3. It is the further case of the petitioner that, as per the provisions of Section 9(4) (1) and (2) of National Coal Wage Agreement-IV issued by the Joint Bi-partite Committee for the Coal Industry, the dependant of the earning employee has to be provided employment in case of death of the employee and therefore the petitioner is entitled for employment.

4. It is stated by the learned Counsel for the respondent that females are prohibited to be employed in the Collieries. Therefore as per the settlement reached between

the management and the union, the petitioner is only entitled for lump-sum payment of Rs.50,000/- in lieu of employment.

5. In view of the contention of the management that females could not be employed in the Mines, refusal to appoint the petitioner on compassionate grounds cannot be said to be illegal or contrary to law. Accordingly, I do not find any merits in the writ petition. However, it is made clear that if the amount of Rs.50,000/- has not been paid to the petitioner and the same shall be paid to her within a period of four weeks from the date of receipt of copy of this order.

6. Accordingly, the Writ Petition is dispose of. No costs.

G. BIKSHAPATHY, J

Dated: 23.09.2004,

ccm

To

1. The General Manager, Singareni Collieries Co. Ltd.,
Srirampur, Adilabad District.

2. 2 CD copies.